



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 7-1-00 Christina Rodriguez, petitioner/owner- 5220 Davie Road/Generally located on the east side of Davie Road approximately 1,500 feet north of Stirling Road.

REPORT IN BRIEF:

The petitioner proposes to construct a 3,500 square foot office building on Lot 1, and a single family residence on Lot 2, both zoned RO, Residential/Office District. The variance requests apply to Lot 1 only. The petitioner is requesting the Council grant the following variances: 1) reduce the required 20-foot side setback along the south property line from 20 feet to 10 feet; 2) reduce the required perimeter landscape buffer from 10 feet to 1 foot along the south property line; and 3) reduce the required perimeter landscape buffer from 10 feet to 5 feet along the north property line.

The applicant originally applied for 5 variances and worked with staff to reduce the request to 3 variances after the original request was considered by the Planning and Zoning Board (Planning and Zoning Board recommended approval of the original variance requests, subject to the condition that the petitioner go back to staff to revise the plan to reduce the number of variances, if possible--motion carried 4-0, Mr. Davenport absent, August 9, 2000). Both variance requests that were eliminated pertained to the width of the median island within the parking lot, however, the applicant revised the variance request to reduce the south landscape buffer from the 6 feet originally requested to 1 foot in order to eliminate the median island variance.

The subject property meets all lot dimension and area requirements, exceeds the minimum depth requirement, and can be designed to meet Code without the variances as they are being requested. Therefore, staff does not find that granting each of the requested variances is necessary to afford the applicant reasonable use of the property, and that the variances requested are not the minimum variances necessary for reasonable use of the property.

PREVIOUS ACTIONS: The Town Council tabled this item to the Council meeting of September 20, 2000 (motion carried 5-0, September 6, 2000).

CONCURRENCES:

The Planning and Zoning Board recommended approval of all 3 variances (motion carried 5-0, September 13, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to deny.

Attachment(s): Planning report, justification letter, verification letter, site plan and building elevations, land use map, subject site map, and aerial.

Application #: V 7-1-00
Exhibit "A":

Revision:

Original Report Date: 8/2/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Christina Rodriguez
Address: 2109 Nova Village Drive
City: Davie, FL 33317
Phone: (954) 797-5060

Agent:

Name: Christina Rodriguez
Address: 2109 Nova Village Drive
City: Davie, FL 33317
Phone: (954) 797-5060

BACKGROUND INFORMATION

Dates of Notification: September 6, 2000 **Number of Notifications:** 18

Application Requests: 1) to reduce the required 20-foot side setback within the RO, Residential Office District from 20 feet to 10 feet along the south property line, 2) reduce the the required perimeter landscape buffer from 10 feet to 1 foot along the south property line, and 3) to reduce the required perimeter landscape buffer from 10 feet to 5 feet along the north property line.

Address/Location: 5220 Davie Road/Generally located on the east side of Davie Road approximately 1,500 feet north of Stirling Road.

Future Land Plan Use Designation: Residential/Office

Zoning: RO, Residential Office District

Existing Use: Vacant Land

Proposed Use: Office

Parcel Size: .80 acres (35,000 square feet)

Surrounding Uses:

North: Single Family Home
South: 230' FPL Transmission Line Easement
East: Church
West: Agricultural, across Davie Road

Land Use Plan Designation:

Residential (5 du/ac)
Residential (5 du/ac)
Residential (1 du/ac)
Residential (5 du/ac)

Surrounding Zoning:

North: RO, Residential District and A-1, Agricultural District
South: A-1, Agricultural District
East: CF, Community Facilities District
West: A-1, Agricultural District, across Davie Road

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property:

- On August 20, 1997, the Town Council adopted Ordinance 97-52 rezoning the subject site from A-1, Agricultural District to RO, Residential Office District.
- On August 4, 1999, the Town Council adopted Resolution 99-254, approving a subdivision plat of the subject property.
- On May 17, 2000, the Town Council adopted Resolution 2000-117, approving a delegation request for amendment to the approved subject site plat.

DEVELOPMENT PLAN DETAILS

The petitioner's property is made up of two lot areas which will accommodate a 3,500 square foot office building with a 1,430 square foot covered terrace on Lot 1, and a single family residence on lot 2 (square footage unknown at this time). Please note, this variance request applies to the Lot 1 office building only.

The petitioner states, that due to the narrowness of the site, which is the minimum 100 feet required by code, the requested side setback variance is necessary to provide an office area which will accommodate the petitioner's needs. The petitioner also states that during preparation of a site plan and after several different reconfigurations of the parking lot area, the current proposed plan was the only acceptable layout which satisfies the Town Engineering Division while conforming with Broward County requirements. According to the petitioner, the engineering requirements for the parking area and circulation drive aisles had a significant effect on the width of the required landscape buffers. Therefore, the petitioner is requesting variances to allow the proposed plan which is deemed acceptable by the Town Engineering Department.

Currently, there is an existing 230-foot Florida Power and Light (FPL) utility easement abutting the subject site to the south. FPL has permitted Aucamp's Nursery to operate within this easement. The petitioner has provided a letter from Aucamp's Nursery which states they have no objection to the variances as requested by the petitioner.

Abutting the property to the north is an existing single-family home which is located close to Davie Road. Also, abutting the majority of the property to the north is vacant land zoned A-1. The petitioner has provided a letter of no objection from the owner of the undeveloped parcel to the north but was unable to obtain such a letter from the owner of the existing single-family home. Note that the request for a reduction in the required perimeter landscape buffer from 10 feet to 5 feet along the north property line is limited to approximately 49% of the length of the north property line, mostly abutting the single-family home to the north.

Upon discussion with the petitioner, and the Town and County engineering departments prior to PZB consideration of this item, staff identified that the petitioner can develop the site without all of the requested variances by redesigning the proposed plan with one-way drive aisles and angled parking spaces.

Applicable Codes and Ordinances

- 1) Section 12-83, which requires a 20-foot side setback within the RO, Residential Office District.
- 2) Section 12-107(D)(3), which requires a 10-foot perimeter landscape buffer for commercial districts

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adjacent to residential property.

- 3) Section 12-107(D)(4), which requires a 10-foot perimeter landscape buffer for commercial districts adjacent to all other abutting properties.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This planning area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors. Agricultural uses are expected to diminish in the upcoming years, succumbing to increased residential demands given the enhanced accessibility provided by the roadway expansion of Davie Road and Griffin Road, and easy access to the Florida Turnpike. Commercial developments along the south side of Stirling Road are somewhat deteriorated and should be evaluated for potential redevelopment opportunities.

Broward County Comprehensive Plan Considerations

This property falls within Flexibility Zone 102. The subject site has been platted and is consistent with all plat note restrictions. Therefore, Broward County concurrency has been satisfied to the extent this variance can be processed.

Staff Analysis

The applicant originally applied for 5 variances and worked with staff to reduce the request to 3 variances after the original request was considered by the Planning and Zoning Board. Planning and Zoning Board recommended approval of the original variance requests, subject to the condition that the petitioner go back to staff to revise the plan to reduce the number of variances, if possible (motion carried 4-0, Mr. Davenport absent, August 9, 2000). Both variance requests that were eliminated pertained to the width of the median island within the parking lot, however, the the applicant revised the variance request to reduce the south landscape buffer from the 6 feet originally requested to 1 foot in order to eliminate the median island variance.

The subject property meets all lot dimension and area requirements, exceeds the minimum depth requirement, and can be designed to meet Code without the variances as they are being requested. Therefore, staff does not find that granting each of the requested variances is necessary to afford the applicant reasonable use of the property, and that the variances requested are not the minimum variances necessary for reasonable use of the property.

Findings of Fact

Variances: Section 12-309(B)(1):

The following findings of facts represent staff findings for all variance requests:

(a) There are special circumstances and conditions applying to the land and building for which the variances are sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district; the circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use

of such land or building for which the variances are sought, and the alleged hardships are self-created by any person having an interest in the property;

(b) The granting of the 3 variances are not necessary for the reasonable use of the land or building; however, alternate relief may be necessary and appropriate.

(c) Granting of the 3 requested variances are in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the staff analysis and finding of facts, staff recommends denial of variance application 7-1-00 with an overall finding that the variance requests are not necessary for reasonable use of the property.

Planning and Zoning Board Recommendation

Motion to recommend approval (5-0), September 13, 2000.

Exhibits

1. Plot Plan
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

07/14/000

Justification letter



Reference:

Heritage Building

5220 Davie Rd.

Davie FL 33317

LOT ONE ONLY (35000 S/F allocated for non residential in a site zoned RO)

The requested variances for lot #1 only are as follows:

- 1) South side set back to be reduced from 20 feet requirement, to 10 feet to the building wall.
- 2) Planters or green buffers (Central, South and North side location along the parking lot) to be reduced from 10 feet requirement to 5 feet.

The intention of the owner is to build her own office building not just serving its purpose but at the same time to enhance the area with the beauty of a building that shall add pride of ownership to the neighborhood.

Said building will be a 3500 S/Feet under A/C , constructed in expensive Plantation Colonial style with tall columns on it's front combined with red brick color. (See attached elevation exhibit # 1). The beauty of the building certainly will complement the remodeling that is taking place along Davie Road and should encourage other builders to keep up with the enhancement of the same Road as a continuation of the Western Theme work done by the Town of Davie.

In order to do that type of building on a balanced architecture design the width of it, must to be in certain proportion with the height. The width given to this project 65 feet) is the minimum needed to accomplish its beauty. Due to the narrow nature of this lot (100 feet wide) the 65 feet minimum frontage needed for the building makes it impossible to comply with the 20 feet set back on both of the sides. The South side set back was carefully selected for the variance because it's adjacent lot is actually a large FPL easement dedicated to the high power lines and is presently used as a nursery so, the proximity does not interfere with the privacy of any neighbor.

With regard to the buffers, we had a similar problem to overcome . The project needs to meet the requirement of 17.5 parking spaces with safe circulation and flow and appropriate driveways as well as provide access to lot # 2 that is allocated for the owner's residence.

During the last 8 month's, Broward County traffic, Town of Davie Engineering, Land Development Staff and the owner worked on more than 10 different sketches in order to arrive at the conditions that meet the codes and secure safety, with out further compromise of the project.

When one finally was acceptable to Broward county and Town of Davie the parties agreed that reducing the width of the buffers to 5 feet was the only solution in order to meet all the other requirements.

The South limit buffer should meet the same criteria for exception as the set back variance because the adjacency to the FPL easement.

The North limit buffer is actually adjacent to 2 lots. One in the front with a length of 141 feet 45 feet wide were there is an existing pre-fabricated small house used as a residence and a vacant lot zoned Residential Office that extends behind said house along the subject north limit for the remaining 470 feet to the back of the lot.(see the attached survey exhibit # 2)

The owner of the large lot was already contacted and has no opposition to the variance (see attached letter exhibit # 3).

Please notice that due to the shape of the entrance driveway the variance requested for the North side only affects and small portion of the 145 feet long lot while the owner of the bigger lot adjacent, has no opposition to the variance. ,

As a proud Davie resident owner for the last 13 years, I sincerely thank the staff members for the help and support provided during this 3 years since the beginning of the process and thank you , the commissioners in advance for the attention and consideration to this matter.



Cristina Rodriguez
2809 Nova Village Dr
Davie FL 33317
(954) 797-5060

Exhibit #3

July 13, 2000

RE:Heritage Building Variances

Town of Davie

To Whom It May Concern:

Please be advised that I am the Owner of the adjacent lot located at the North property limit of the proposed Heritage Building..

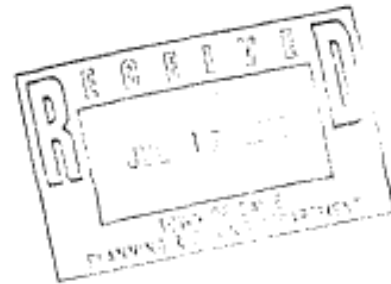
I am aware of the requested variances, I have no opposition to them and I am willing to dedicate an easement, if in the future shall be necessary.

You can feel free to contact me with any questions to that regard at (954) 668-3682.

Sincerely,



Pablo Averbuj
2109 Nova village Dr
Davie Fl 33317



2109 NOVA VILLAGE DR.
DAVIE, FL 33317
(954) 797-5060

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ENCLOSURE

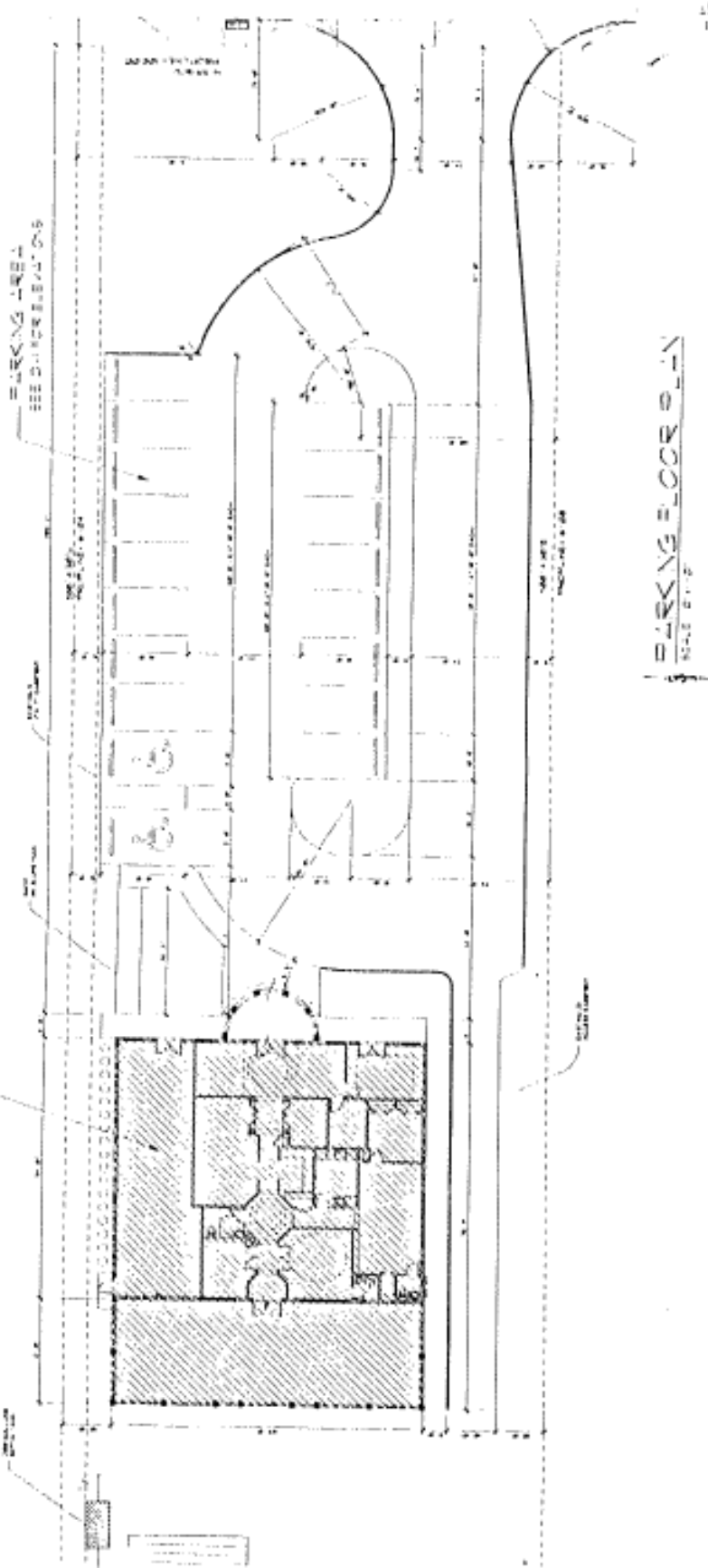
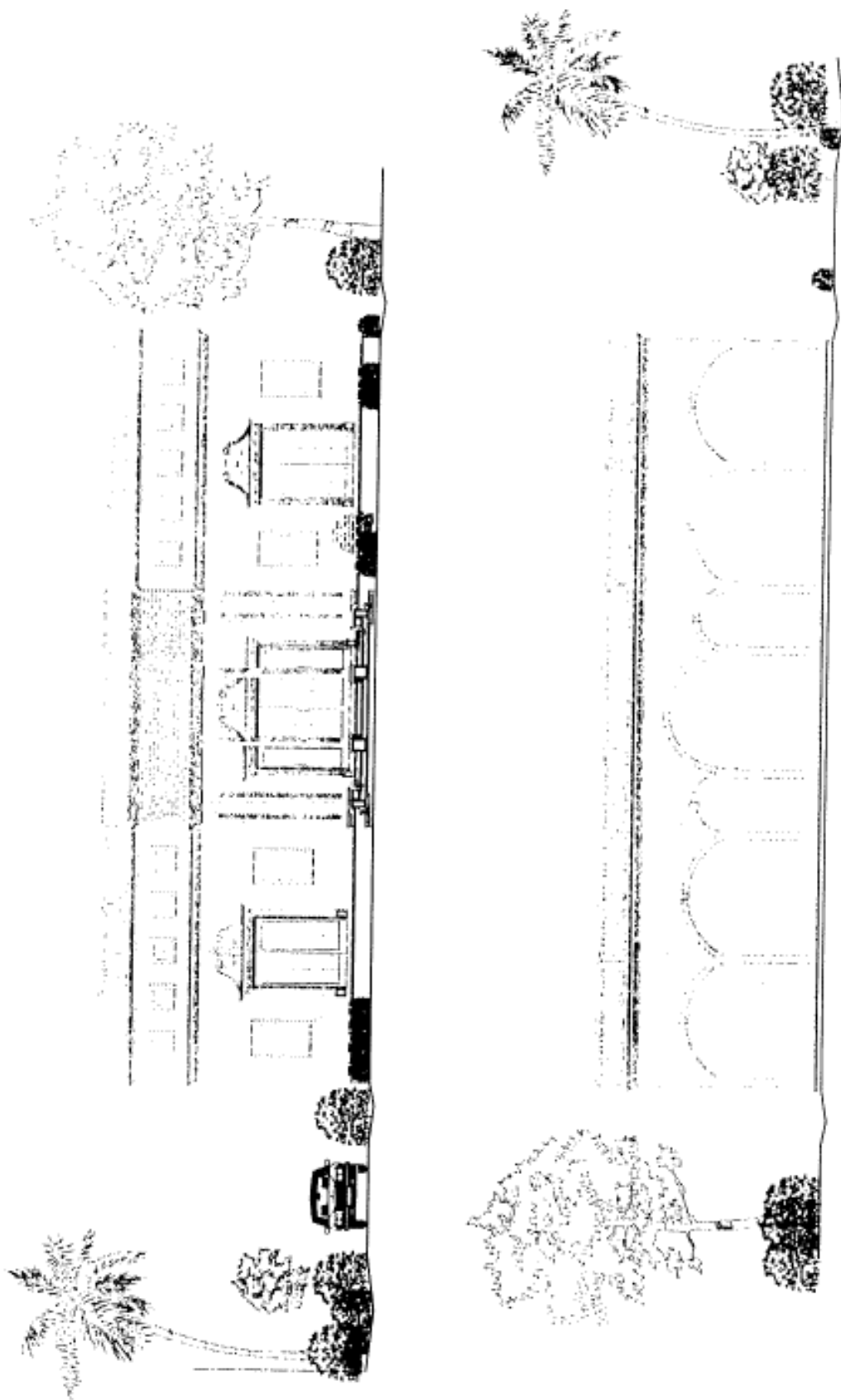


EXHIBIT #1



Item No.

